

Appln. No. 10/782,111
Amendment dated October 7, 2004
Reply to Office Action mailed July 8, 2004

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims (deleted text being struck through and added text being underlined):

1. (Currently Amended) A noise generating device for generating a nuisance noise to imitate a sound of a flying insect to distract a person, the noise generating device comprising:

a housing member being adapted for being gripped by a user;

an actuation assembly being coupled to said housing member, said actuation assembly being adapted for being actuated by the user; ~~and~~

a speaker member being coupled to said housing member, said speaker member being operationally coupled to said actuation assembly such that said speaker member is adapted for being actuated by said actuation assembly to produce the nuisance noise when said actuation assembly is actuated, said housing member being adapted for being selectively manipulated by the user to direct said speaker member towards an ear of the person to distract the person with the nuisance noise when said actuation assembly is actuated by the user;

said housing member comprising a handle portion, said handle portion being adapted for being gripped by the user, said actuation assembly being coupled to said handle portion to facilitate actuation of said actuation assembly by the user when said handle portion of said housing member is being gripped by the user;

Appln. No. 10/782,111

Amendment dated October 7, 2004

Reply to Office Action mailed July 8, 2004

said housing member comprising a neck portion, said neck portion being coupled to said handle portion of said housing member such that said neck portion extends outwardly from said handle portion, said speaker member being coupled to said neck portion opposite said handle portion of said housing member, said neck portion being elongated such that said neck portion is adapted for permitting a user to stand at a distance from the person when the user actuates said actuation assembly; and

said neck portion having a length greater than a length of said handle portion to permit the user to be positioned to remain unnoticed by the person.

2. (Cancelled)

3. (Cancelled)

4. (Currently Amended) The noise generating device as set forth in claim 3, further comprising:

said neck portion comprising a resiliently flexible material, said resiliently flexible material permitting said neck portion to ~~bent~~ bend in a variety of positions to allow the user control of the direction from which the user introduces the nuisance noise produced by said speaker member to the person.

5. (Original) The noise generating device as set forth in claim 1, further comprising:

said actuation assembly comprising a generating assembly and a power supply, said generating assembly being operationally coupled to said power supply such that said power supply supplies power to said generating assembly, said generating assembly being operationally coupled to said speaker member such that said generating assembly generates signals to

Appln. No. 10/782,111
Amendment dated October 7, 2004
Reply to Office Action mailed July 8, 2004

actuate said speaker assembly to generate the nuisance noise when said power supply supplies power to said generating assembly.

6. (Original) The noise generating device as set forth in claim 5, further comprising:

said power supply comprising at least one battery, said battery being selectively positioned in said housing member, said battery being operationally coupled to said generating assembly such that said battery supplies power to said generating assembly when said battery is positioned in said housing member.

7. (Original) The noise generating device as set forth in claim 6, further comprising:

a cover member being selectively coupled to said housing member, said cover member enclosing said battery in said housing member when said cover member is coupled to said housing member.

8. (Original) The noise generating device as set forth in claim 5, further comprising:

said actuation assembly comprising a switch member, said switch member being coupled to said housing member such that said switch member is adapted for being selectively actuated by the user, said switch member being operationally coupled between said power supply and said generating assembly such that said switch member is for controlling the flow of power from said power supply to said generating assembly when said switch member is actuated by the user.

9. (Original) The noise generating device as set forth in claim 8, further comprising:

said actuation assembly comprising a timer assembly, said timer assembly being operationally coupled to said power supply and between said

Appln. No. 10/782,111
Amendment dated October 7, 2004
Reply to Office Action mailed July 8, 2004

switch member and said generating assembly, said timer assembly being actuated by said switch assembly to allow power to flow from said power supply to said generating assembly for a predetermined amount of time when said switch member is actuated by the user.

10. (Original) The noise generating device as set forth in claim 1, further comprising:

a grill member being coupled to said housing member, said grill member being positioned over said speaker member such that said grill member is for protecting said speaker member from being damaged and allow the nuisance sound generated by said speaker member to be heard by the person.

11. (Original) The noise generating device as set forth in claim 10, further comprising:

said grill member being substantially domed shaped, said grill member being adapted for permitting said speaker member to produce the nuisance noise in multiple directions to inhibit the person from detecting the direction that the nuisance noise is coming from.

12. (Currently Amended) A noise generating device for generating a nuisance noise to imitate a sound of a flying insect to distract a person, the noise generating device comprising:

a housing member being adapted for being gripped by a user;

an actuation assembly being coupled to said housing member, said actuation assembly being adapted for being actuated by the user;

a speaker member being coupled to said housing member, said speaker member being operationally coupled to said actuation assembly such that

Appln. No. 10/782,111
Amendment dated October 7, 2004
Reply to Office Action mailed July 8, 2004

said speaker member is adapted for being actuated by said actuation assembly to produce the nuisance noise when said actuation assembly is actuated, said housing member being adapted for being selectively manipulated by the user to direct said speaker member towards an ear of the person to distract the person with the nuisance noise when said actuation assembly is actuated by the user;

said housing member comprising a handle portion, said handle portion being adapted for being gripped by the user, said actuation assembly being coupled to said handle portion to facilitate actuation of said actuation assembly by the user when said handle portion of said housing member is being gripped by the user;

said housing member comprising a neck portion, said neck portion being coupled to said handle portion of said housing member such that said neck portion extends outwardly from said handle portion, said speaker member being coupled to said neck portion opposite said handle portion of said housing member, said neck portion being elongated such that said neck portion is adapted for permitting a user to stand at a distance from the person when the user actuates said actuation assembly;

said neck portion comprising a resiliently flexible material, said resiliently flexible material permitting said neck portion to ~~bent~~ bend in a variety of positions to allow the user control of the direction from which the user introduces the nuisance noise produced by said speaker member to the person;

said actuation assembly comprising a generating assembly and a power supply, said generating assembly and said power supply being positioned in said handle portion of said housing member, said generating assembly being operationally coupled to said power supply such that said power supply

Appln. No. 10/782,111
Amendment dated October 7, 2004
Reply to Office Action mailed July 8, 2004

supplies power to said generating assembly, said generating assembly being operationally coupled to said speaker member such that said generating assembly generates signals to actuate said speaker assembly to generate the nuisance noise when said power supply supplies power to said generating assembly;

said power supply comprising at least one battery, said battery being selectively positioned in said handle portion of said housing member, said battery being operationally coupled to said generating assembly such that said battery supplies power to said generating assembly when said battery is positioned in said housing member;

a cover member being selectively coupled to said handle portion of said housing member, said cover member enclosing said battery in said handle portion of said housing member when said cover member is coupled to said housing member;

said actuation assembly comprising a switch member, said switch member being coupled to said handle portion of said housing member such that said switch member is adapted for being selectively actuated by the user, said switch member being operationally coupled between said power supply and said generating assembly such that said switch member is for controlling the flow of power from said power supply to said generating assembly when said switch member is actuated by the user;

said actuation assembly comprising a timer assembly, said timer assembly being operationally coupled to said power supply and between said switch member and said generating assembly, said timer assembly being actuated by said switch assembly to allow power to flow from said power supply to said generating assembly for a predetermined amount of time when said switch member is actuated by the user;

Appln. No. 10/782,111
Amendment dated October 7, 2004
Reply to Office Action mailed July 8, 2004

a grill member being coupled to said neck portion of said housing member opposite said handle portion, said grill member being positioned over said speaker member such that said grill member is for protecting said speaker member from being damaged and allow the nuisance sound generated by said speaker member to be heard by the person; and

said grill member being substantially domed shaped, said grill member being adapted for permitting said speaker member to produce the nuisance noise in multiple directions to inhibit the person from detecting the direction that the nuisance noise is coming from.